

Introduced by Senator Wieckowski

February 13, 2015

~~An act to add Section 42889.5 to the Public Resources Code, relating to recycling. An act to amend Sections 117630 and 118275 of the Health and Safety Code, relating to medical waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 225, as amended, Wieckowski. ~~Recycling: used tires. Medical waste.~~

Existing law, the Medical Waste Management Act, regulates the disposal of medical waste, including requiring specified biohazard materials to be disposed of in biohazard bags and requiring specified treatment for medical waste. Transportation, storage, treatment, or disposal of medical waste in a manner not authorized by the act is a crime. Existing law defines specified terms for purposes of the Medical Waste Management Act, including "biohazard bag." Existing law defines a biohazard bag to mean a film bag that is impervious to moisture. Existing law requires the film bags that are used for transport to be marked and certified by the manufacturer as having passed specified tests prescribed for tear resistance and for impact resistance. Existing law also imposes a specified labeling requirement on containers for nonradioactive pharmaceutical wastes that are not subject to a specified federal law and that are regulated as medical waste.

This bill would limit the application of the requirement that film bags used for transport be marked and certified by the manufacturer as having passed specified tests only to those film bags that are used for transport from the generator's facility onto roadways. The bill would

also make a clarifying change to the labeling requirement for containers for nonradioactive pharmaceutical waste.

~~Existing law, the California Integrated Waste Management Act, requires the Department of Resources Recycling and Recovery, when implementing the act, to promote certain waste management practices in the order of a specified priority, and to maximize the use of all feasible source reduction, recycling, and composting options. The California Tire Recycling Act, which is part of the California Integrated Waste Management Act, imposes a California tire fee on a new tire purchased in the state. The revenue generated from the fee is deposited in the California Tire Recycling Management Fund for expenditure, upon appropriation by the Legislature, for the purposes of programs related to waste tires. Existing law requires the department to adopt a 5-year plan, which is to be updated biennially, to establish goals and priorities for waste tire programs.~~

~~This bill would require the department, when adopting the 5-year plan and expending those appropriated funds, to ensure that the expenditure of funds pursuant to the California Tire Recycling Act, reflects the California Integrated Waste Management Act's priorities for waste reduction and recycling.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 117630 of the Health and Safety Code is
2 amended to read:
3 117630. "Biohazard bag" means a disposable film bag that is
4 impervious to moisture. The film bags that are used for transport
5 from the generator's facility onto roadways shall be marked and
6 certified by the manufacturer as having passed the tests prescribed
7 for tear resistance in the American Society for Testing Materials
8 (ASTM) D1922, "Standard Test Method for Propagation Tear
9 Resistance of Plastic Film and Thin Sheeting by Pendulum
10 Method" and for impact resistance in ASTM-D-1709, D1709,
11 "Standard Test Methods for Impact Resistance of Plastic Film by
12 the Free-Falling Dart Method," as those documents were published
13 on January 1, 2014. The film bag shall meet an impact resistance
14 of 165 grams and a tearing resistance of 480 grams in both parallel
15 and perpendicular planes with respect to the length of the bag. The

1 color of the bag shall be red, except when yellow bags are used to
2 further segregate trace chemotherapy waste and white bags are
3 used to further segregate pathology waste.

4 *SEC. 2. Section 118275 of the Health and Safety Code is*
5 *amended to read:*

6 118275. (a) To containerize or store medical waste, at the
7 point of generation and while collected in that room, a person shall
8 do all of the following:

9 (1) Medical waste, as defined in Section 117690, shall be
10 contained separately from other waste at the point of origin in the
11 producing facility. Sharps containers may be placed in biohazard
12 bags or in containers with biohazard bags.

13 (2) Biohazardous waste, as defined in paragraph (1) of
14 subdivision (b) of Section 117690, shall be placed in a biohazard
15 bag conspicuously labeled with the words “Biohazardous Waste”
16 or with the international biohazard symbol and the word
17 “BIOHAZARD.”

18 (3) Sharps waste, as defined in paragraph (4) of subdivision (b)
19 of Section 117690, including sharps and pharmaceutical waste
20 containerized pursuant to paragraph (7), shall be contained in a
21 United States Food and Drug Administration (USFDA) approved
22 sharps container that meets USFDA labeling requirements and is
23 handled pursuant to Section 118285.

24 (4) Trace chemotherapy waste, as defined in paragraph (5) of
25 subdivision (b) of Section 117690, shall be segregated for storage,
26 and, when placed in a secondary container, that container shall be
27 labeled with the words “Chemotherapy Waste,” “CHEMO,” or
28 other label approved by the department on the lid and sides, so as
29 to be visible from any lateral direction, to ensure treatment of the
30 biohazardous waste pursuant to Section 118222. Sharps waste that
31 is contaminated through contact with, or having previously
32 contained, chemotherapeutic agents, shall be placed in sharps
33 containers labeled in accordance with the industry standard with
34 the words “Chemotherapy Waste,” “Chemo,” or other label
35 approved by the department, and shall be segregated to ensure
36 treatment of the sharps waste pursuant to Section 118222.

37 (5) Pathology waste, as defined in paragraph (2) of subdivision
38 (b) of Section 117690, shall be segregated for storage and, when
39 placed in a secondary container, that container shall be labeled
40 with the words “Pathology Waste,” “PATH,” or other label

1 approved by the department on the lid and sides, so as to be visible
2 from any lateral direction, to ensure treatment of the waste pursuant
3 to Section 118222.

4 (6) Pharmaceutical waste, as defined in paragraph (3) of
5 subdivision (b) of Section 117690, shall be segregated for storage
6 in accordance with the facility's medical waste management plan.
7 When this waste is prepared for shipment offsite for treatment, it
8 shall be properly containerized for shipment in compliance with
9 United States Department of Transportation and United States
10 Drug Enforcement Agency (DEA) requirements.

11 (A) Pharmaceutical wastes classified by the DEA as "controlled
12 substances" shall be disposed of in compliance with DEA
13 requirements.

14 (B) Nonradioactive pharmaceutical wastes that are not subject
15 to the federal Resource Conservation and Recovery Act of 1976
16 (Public Law 94-580), as amended, and that are regulated as medical
17 waste are placed in a container or secondary container labeled with
18 the words "~~HIGH-HEAT-OR-INCINERATION~~ *HEAT*" or
19 "*INCINERATION ONLY*," or with another label approved by the
20 department, on the lid and sides, so as to be visible from any lateral
21 direction, to ensure treatment of the biohazardous waste pursuant
22 to Section 118222.

23 (7) A person may consolidate into a common container, which
24 may be reusable, sharps waste, as defined in paragraph (4) of
25 subdivision (b) of Section 117690, and pharmaceutical wastes, as
26 defined in paragraph (3) of subdivision (b) of Section 117690,
27 provided that both of the following apply:

28 (A) The consolidated waste is treated by incineration or
29 alternative treatment technologies approved to treat that waste
30 pursuant to paragraph (1) or (3) of subdivision (a) of Section
31 118215 prior to disposal. That alternative treatment shall render
32 the waste unrecoverable and nonhazardous.

33 (B) The container meets the requirements of Section 118285.
34 The container shall be labeled with the biohazardous waste symbol
35 and the words "~~HIGH-HEAT-OR-INCINERATION~~ *HEAT*" or
36 "*INCINERATION ONLY*," or with another label approved by the
37 department, on the lid and sides, so as to be visible from any lateral
38 direction, to ensure treatment of the waste pursuant to this
39 subdivision.

1 (b) To containerize medical waste being held for shipment
2 offsite for treatment, the waste shall be labeled, as outlined in
3 subdivision (a), on the lid and sides of the container.

4 (c) When medical waste is containerized pursuant to
5 subdivisions (a) and (b) there is no requirement to label the
6 containers with the date that the waste started to accumulate.

7 ~~SECTION 1. Section 42889.5 is added to the Public Resources~~
8 ~~Code, to read:~~

9 ~~42889.5. The department shall, when adopting the five-year~~
10 ~~plan pursuant to Section 42885.5, and expending funds~~
11 ~~appropriated to the department pursuant to Section 42889, ensure~~
12 ~~that the expenditure of funds pursuant to this chapter reflects the~~
13 ~~priorities for waste reduction and recycling specified in Section~~
14 ~~40051.~~